

Appl. No. 10/605,158  
Response dated 12/20/2004  
Reply to Office Action of 7/19/2004

### **REMARKS/ARGUMENTS**

#### **Claim remarks with regards to 35 U.S.C. §102**

The Examiner has rejected claims 1-15 under 35 U.S.C. §102(e) as being anticipated by Miller, (2004/0014404 A1). Applicant has amended the independent claims to more further clarify the structure and operation of the embodiments of the invention. As amended, Miller does not anticipate claim 1 since Miller does not comprise the limitation "wherein said at least one abrader is not coupled with an enclosing case and wherein said post is not coupled with an enclosing case". Miller has a case enclosing the various elements comprising the device.

Miller, does not anticipate claim 2 since Miller does not comprise the limitation "a case bottom comprising said inner case bottom cylinder for securing particles abraded by said at least one abrader wherein said case bottom is coupled with said at least one abrader and said post". In addition, Miller does not comprise the limitation "a case top comprising said ejector hole and said at least one disk latch coupled with said inner case top cylinder wherein said case top is formed to hold a disk inside said inner case top cylinder via said at least one disk latch wherein said disk is placed against said at least one pad wherein said case bottom and said case top are configured to rotate about an axis defined by said post and said post guide when said case bottom and said case top are engaged and form a second enclosed chamber comprising said inner case bottom cylinder and said inner case top cylinder and wherein said ejector hole forms an entryway into said second enclosed chamber that is blocked from said second enclosed chamber via said disk". Miller has a single chamber and the disk extraction elements found in Miller allow

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particles to escape since the extraction elements do not block the particles from exiting the device.

Claims 3 and 4 have been canceled rendering the rejections against these claims moot.

Claims 5-7 depend on claim 2 and comprise the new limitations in currently amended claim 2 and are therefore novel with respect to Miller for the same reasons given with respect to the arguments presented above with regards to claim 2. In addition, claim 7 further clarifies the structures of Figures 3 and 4 showing the second enclosed chamber formed by inner case top chamber coupled with disk latch 402 in Figure 4 and inner case bottom chamber shown to the right of abrader post 303 enclosing the abraders and post 300 in Figure 3.

Claim 8 is novel with respect to Miller since Miller does not comprise the limitation "engaging said case top to a case bottom wherein said case top comprises an inner case top cylinder and said case bottom comprises an inner case bottom cylinder wherein said inner case top cylinder and said inner case bottom cylinder form a second enclosed chamber". Miller has a single chamber.

Claim 9 depends on claim 8 and is novel over Miller for the same reasons as given with regards to claim 8. In addition, claim 9 is novel with respect to Miller since Miller does not comprise the limitation "ejecting said disk via an ejector hole that forms an entryway into said second enclosed chamber that is blocked from said second enclosed chamber via said disk". Miller allows particles to escape since the ejection means do not block from escaping.

Claim 10 is novel with respect to Miller since Miller does not comprise the limitation "a post coupled with said post support coupled with said abrader arm coupled with said abrader configured to abrade a disk placed against said abrader when said disk is placed on said post and

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rotated about an axis defined by said post and wherein said apparatus is not configured to capture particles in a case wherein said particles result from abrasions of said disk". Miller comprises a case.

Claim 11 is novel with respect to Miller since Miller does not comprise the limitation "coupling said disk to a post wherein said at least one abrader is not coupled with an enclosing case and wherein said post is not coupled with an enclosing case". Miller comprises a case.

Claim 12 depends on claim 11 and is therefore novel with respect to Miller for the same reasons given with respect to the arguments presented above with regards to claim 11.

Claim 13 is novel with respect to Miller since Miller does not comprise the limitation "means for engaging said case top to a case bottom wherein said case top comprises an inner case top cylinder and said case bottom comprises an inner case bottom cylinder wherein said inner case top cylinder and said inner case bottom cylinder form a second enclosed chamber". Miller has a single chamber.

Claim 14 depends on claim 13 and is novel over Miller for the same reasons as given with regards to claim 13. In addition, claim 14 is novel with respect to Miller since Miller does not comprise the limitation "means for ejecting said disk via an ejector hole that forms an entryway into said second enclosed chamber that is blocked from said second enclosed chamber via said disk". Miller allows particles to escape since the ejection means do not block from escaping.

Claim 15 is novel with respect to Miller since Miller does not comprise the limitation "means for coupling said disk on a post wherein said at least one abrader is not coupled with an enclosing case and wherein said post is not coupled with an enclosing case". Miller has a case.

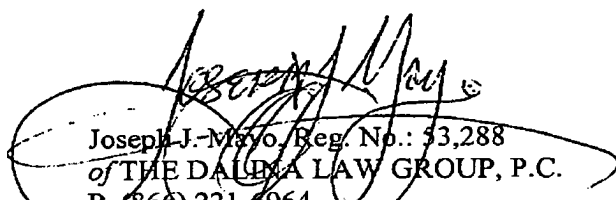
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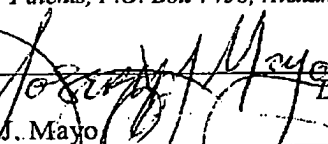
The other references supplied by the Examiner, namely Lalli et al., Kennedy et al., Sato et al., Born et al., Leikam and Schmid are polishers, not abraders and do not comprise the limitation of Applicant's amended claims.

# CONCLUSION

For at least the reasons stated herein, Applicant respectfully submits that the claims as amended are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

Respectfully submitted,

  
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<p>Correspondence Info:</p> <p>Customer Number</p> <p><b>36067</b></p>	<p><b>CERTIFICATE OF MAILING or TRANSMISSION</b></p> <p><i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>December 20, 2004</u> to (703) 872-9306 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</i></p>
	<p>Signature  Date: December 20, 2004</p> <p>Name: Joseph J. Mayo</p>